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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN -
SOUTHERN DIVISION**

STEVEN ERICH HUBBARD,
PLAINTIFF,

V.

CREDIT PROTECTION ASSOCIATION, LP,
DEFENDANT.

Case:2:09-cv-14652
Judge: Tarnow, Arthur J
MJ: Majzoub, Mona K
Filed: 11-30-2009 At 04:24 PM
CMP HUBBARD VS CREDIT PROTECTION AS
SOCIATION, LP

JURY TRIAL DEMANDED

STEVEN ERICH HUBBARD, IN PRO PER, 37789 HIXFORD PLACE, APT F-10
WESTLAND, MI 48185 TEL: (734) 727-0661

CREDIT PROTECTION ASSOCIATION, L.P, 30600 TELEGRAPH ROAD,
BINGHAM FARMS, MI 48025 TEL: (800) 377-7713

COMPLAINT

NOW COMES THE PLAINTIFF, STEVEN ERICH HUBBARD, IN PRO PER, and with complaint
against the defendant, pleads as follows:

JURISDICTION & VENUE

1. Jurisdiction of this honorable court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k (d), and pursuant to 28 U.S.C. § 1367 for pendant state law claims.
2. This civil action is brought under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*; the common law claim of Invasion of Privacy by Intrusion through Seclusion.
3. Venue is proper as the defendant caused a nefarious act, resulting in tort, occurred within The United States of America, State of Michigan, and the City of Westland.
4. This honorable court may exercise supplemental jurisdiction over the state law claims arising out of the same nucleus of operative facts as the federal law claims.

PARTIES

5. The plaintiff to this lawsuit is Steven Erich Hubbard who resides at 37789 Hixford Place, Apt F-10, Westland, MI 48185.
6. The defendant to this lawsuit is Credit Protection Association, LP, which is a foreign limited partnership doing business in the State of Michigan, and whose registered agent, The Corporation Company, maintains its office at 30600 Telegraph Road, Bingham Farms, 48025.
7. Steven Erich Hubbard is a consumer as defined under *15 U.S.C. § 1692a (3)*.
8. Credit Protection Association, LP is a debt collector as defined under *15 U.S.C. § 1692a (6)*.

GENERAL ALLEGATIONS

9. On August 17th, 2009, Credit Protection Association, LP sent an initial communication letter to the consumer pursuant to *15 U.S.C. § 1692g (a)*.
10. The initial communication letter contained a statement stating plaintiff owed a past-due account ("debt") to Comcast Cable Corporation in the amount of \$223.70.
11. On August 22nd, 2009, plaintiff requested Credit Protection Association, LP to provide validation of the above referenced debt pursuant to *15 U.S.C. § 1692g*.
12. Defendant received my request for validation by facsimile transmission on August 22nd, 2009.
13. Plaintiff also requested the defendant to refrain from contacting the plaintiff pursuant to *15 U.S.C. § 1692b (c)*.
14. Plaintiff never received a response to the Plaintiff's validation request.
15. Defendant sent another communication, on September 4th, 2009, to the plaintiff requesting payment on the same Comcast Cable account in the amount of \$223.70.
16. On September 6th, 2009, plaintiff again requested validation under *15 U.S.C. § 1692g* on the above referenced debt and faxed his request to Credit Protection Association, LP.
17. Plaintiff again never received a response to the Plaintiff's validation request.
18. On September 22nd, 2009, defendant sent another letter to the plaintiff requesting payment on the above referenced debt.

19. Credit Management, LP purported to report the above debt to the Credit Reporting Agencies since the plaintiff failed, in the eyes and written word of the defendant, to dispute the debt under *15 U.S.C. § 1692g*.
20. On September 24th, 2009, plaintiff requested debt validation pursuant to *15 U.S.C. § 1692g* again and requested the company to cease and desist collection activity under *15 U.S.C. § 1692b (c)* and faxed his request to Credit Protection Association, LP.
21. Plaintiff still hasn't received the statutorily required validation request and continues to violate *15 U.S.C. § 1692b (c)* to this very day.

COUNT I

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692g (b)

22. Mr. Hubbard reincorporates the proceeding allegations by reference.
23. Credit Protection Association was required to cease collection activities, *15 U.S.C. § 1692g (b)*, until the defendant provided validation to the plaintiff's request.
24. Defendant, upon multiple occasions, violated *15 U.S.C. § 1692g (b)* by continuing collection activities and sending letters in violation of the aforementioned statute.
25. Defendant is strictly liable to the plaintiff for the defendant's actions stated above.
26. Plaintiff has suffered statutory damages due to the defendant's direct and proximate cause for failing to cease collection activity under *15 U.S.C. § 1692g (b)*.
27. Credit Protection Association, LP's actions are reckless and willful.
28. Plaintiff is entitled to statutory damages promulgated under *15 U.S.C. § 1692k (a) (2) (A)*.

COUNT II

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692c (5)

29. Mr. Hubbard reincorporates the proceeding allegations by reference.

30. Defendant purported the plaintiff failed to submit a request for validation and both the original creditor, Comcast Cable Corporation and the defendant, purported to report the delinquent debt to the credit reporting agencies.
31. *15 U.S.C. § 1692c (5)* states:
- “The threat to take any action that cannot legally be taken or that is not intended to be taken.”
32. Defendant never intended to take action on reporting the above delinquent debt to the consumer reporting agencies in violation of *15 U.S.C. § 1692c (5)*.
33. Plaintiff has suffered statutory damages due to the defendant’s direct and proximate cause for threatening action withstanding taking action under *15 U.S.C. § 1692c (5)*.
34. Defendant’s action is reckless and willful.
35. Plaintiff is entitled to statutory damages promulgated under *15 U.S.C. § 1692k (a) (2) (A)*.

COUNT III

INVASION OF PRIVACY BY INTRUSION BY SECLUSION

36. Mr. Hubbard reincorporates the proceeding allegations by reference.
37. Michigan law recognizes Plaintiff’s right to be free from invasion of privacy and Defendant violated the Fair Debt Collection Practices Act as described in count one and two in this complaint.
38. The Defendant recklessly interfered, physically or otherwise, with the solitude, seclusion, and private concerns of the plaintiff, namely, by repeatedly and unlawfully attempting to collect a debt and thereby invaded Plaintiff’s privacy.
39. Plaintiff has a reasonable expectation to privacy in Plaintiff’s solitude, seclusion, and private personal affairs.
40. The conduct of the defendant, in engaging in the above described illegal collection activities against Plaintiff, resulted in multiple intrusions and invasion of privacy against defendant which occurred in a way that would be highly offensive to a reasonable person.

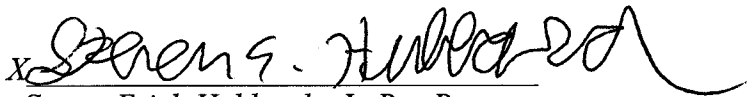
41. As a result of such intrusions and invasion of privacy, plaintiff is entitled to actual and compensatory damage to be determined at trial against the defendant.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays that this honorable court enter a monetary judgment, sum certain, in the amount of \$1,500 for:

1. Actual damages;
2. Statutory damages under 15 U.S.C. § 1692k (a) (2) (A);
3. Compensatory damages under the common law claim;
4. Costs for bringing this civil action;
5. All other relief this honorable court deems proper.

Respectfully Submitted,

X 

*Steven Erich Hubbard – In Pro Per
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Westland, MI 48185
Tel: (734) 727-0661
E-mail: S.Hubbard@inbox.com*

JS 44 (Rev. 12/07)

CIVIL COVER SHEET County in which action arose WAYNE

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

STEVEN ERICH HUBBARD

DEFENDANTS

CREDIT PROTECTION ASSOCIATION, LP

(b) County of Residence of First Listed Plaintiff WAYNE
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant DALLAS
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

(c) Attorney's (Firm Name, Address, and Telephone Number)

37789 Hixford Place Apt A-4
Westlake, TX 76085 Tel: 734-777-0661

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 15 U.S.C. § 1692

Brief description of cause:
 Defendant violated 15 U.S.C. § 1692g (b); 15 U.S.C. § 1692c (5) of the Fair Debt Collection Practices Act.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 1,500

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

11/16/2009

SIGNATURE OF ATTORNEY OF RECORD

Steven E. Hubbard

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
